IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 896(S/S)2007

Susheela Bisht W/o Sri Rajendra Singh Bisht,
Headmistress, Primary School, Jakhmolkhal,
Block-Dugadda, District Pauri Garhwal. ----Petitioner.

Vs.

1. State of Uttarakhand through Director of Education,
   Uttarakhand, Dehradun,
2. District Education Officer,
   District Pauri Garhwal,
3. Addl. District Education Officer (Basic),
   District Pauri Garhwal,
4. Block Education Officer, Block Dugadda,
   District Pauri Garhwal. ----- Respondents.

Sri N.S. Negi, learned Counsel for the petitioner and
Sri Paresh Tripathi, learned Standing Counsel for the State of Uttarakhand.

Hon'ble M.M. Ghildiyal, J.

Heard Sri N.S. Negi, learned Counsel for the petitioner and Paresh Tripathi, learned Brief Holder for State of Uttarakhand/ respondents.

By means of this writ petition, the petitioner has prayed to issue a writ, order or direction in the nature of certiorari for quashing the order dated 5th June 2007 (annexure no. 3, so far as it relates to the petitioner) passed by the Addl. District Education Officer, (Basic), Pauri Garhwal by which attachment of the petitioner has been cancelled.

The facts, in brief, are that the petitioner who was working as Headmistress in Primary School, Utinda, Block Dwarikhal, District Pauri Garhwal was transferred to Primary School, Chartalla-Vikas Khand Dugadda, District Pauri Garhwal

vide order dated 25th September 2006 passed by respondent no. 3. As the petitioner was reluctant to join at Chartalla, therefore she approached to the Department and the Addl. District Education Officer (Basic), Pauri Garhwal vide order dated 23rd November 2006 by modifying his earlier order dated 25th September 2006 adjusted the petitioner to Primary School, Jakhmolkhal, Vikas Khand Dugadda.

From perusal of the record, it appears that the said arrangement was a temporary one because the petitioner was drawing salary from Primary School, Utinda-Dwarikhal. Now by the impugned order, the said attachment order has been recalled and the petitioner has been directed by the respondent to take charge at Primary School, Utinda from where she is getting her salary. I do not find any illegality in the impugned order. According to the learned Standing Counsel; as per the policy adopted by the Govt.; the order of adjustment of teachers has been cancelled and in pursuance of that cancellation order, the impugned transfer order has been passed.

During the course of arguments, learned counsel for the petitioner has submitted that the petitioner may be given liberty to make representation before the Competent Authority and the Competent Authority may be directed to take decision on the same within a stipulated period prescribed by this Court.

The prayer is innocuous.

The petitioner may make representation raising all her grievances before the Addl. District Education Officer (Basic), Pauri Garhwal within two weeks from today and the Addl. District Education Officer (Basic) is directed to take decision on

the representation of the petitioner, if moved before him, within a period of two weeks from the date of production of a certified copy of this order.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

July 16, 2007:
NCM: